

10/17/17

Cleared 10/19

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AK320

by C. Ruser

Q. What is your reaction to the recent "presumptive death" law promulgated by the Argentine Government?

A. We understand that the new law permits a judge to declare a missing person dead 90 days after submission of a request by either the family or the government, as long as no evidence is produced indicating the person is alive. By shortening the time period after which missing persons may be presumed dead for legal purposes, the law enables families which previously had no pension rights to become eligible for social benefits and to settle legal questions.

While the legislation offers some practical solutions to the legal and economic problems experienced by some families, we are nevertheless concerned over some of the law's implications. Many human rights activists, both in Argentina and in the U.S., have expressed their fear that with the passage of this law the Government of Argentina will take no other actions to account for the thousands who have disappeared. We would hope that the Argentine Government would, in dealing with the problems of disappeared persons, take additional measures to ensure that families receive a full and serious accounting of the fate of their missing relations.

ARGENTINA PROJECT (S200000044).

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

☒ Release ☐ Excise ☐ Deny

Exemption(s):

Declassify: ☐ In Part ☐ In Full☐ Classify as ☐ Extend as ☐ Downgrade to

Date Declassify on Reason

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Box 17466

Clear 10/7
by C. R. R.

Q. For a long time there have been recurring reports that disappeared persons were being held in unacknowledged detention centers. Are there clandestine prisoners in Argentina today?

A. It is difficult for us to state categorically whether there are or are not clandestine prisoners in Argentina today. It is obviously not the kind of subject on which much information is easily obtainable. Several first-person accounts by persons who have been held in clandestine facilities have been made public. These reports establish that clandestine facilities have existed in the past, and raise the hopes of families of those who have disappeared that their own loved ones may reappear, thus giving added force to the rumors that clandestine facilities still exist. Among the thousands of people who have disappeared, many vanished after being taken into custody by people identifying themselves as police or security officials. Of course, anyone detained by official forces is a clandestine prisoner whenever the authorities deny holding him, and he remains in this category until he reappears at liberty or as an acknowledged detainee.

As very few people have reappeared either in official detention or at liberty, the question of their whereabouts remains open. We have asked the Argentine Government about the reports of clandestine centers. The Argentine Government has denied that such centers exist. We will continue to follow this question closely and to urge the Argentine authorities to inform the families of the whereabouts of any

hitherto-unacknowledged prisoners that may be held by security forces and to either charge or release the detainees promptly.

*Argentina
(Classified by ARD/FCR)*

10. Why wasn't the US a cosponsor of a draft resolution by the UN Commission on Human Rights expressing "serious concern at reports concerning the situation and number of missing and disappeared persons in Argentina"? (It invited the GOA to inform the Commission "of steps it is taking to resolve the problem of missing and disappeared persons", and requested the Secretary-General to submit "an analytical summary of information he has received on the question of missing and disappeared persons in Argentina.") (No action was taken on this resolution, but it will be taken up "as a matter of priority" at the next session of the Commission--Res. 1979/38, ECOSOC E/1979/57) (Shestack testimony)

The USG was actively engaged at the time in regional efforts outside the UN to ensure that a visit of the Inter-American Human Rights Commission would be made to Argentina. We therefore left to the West European Delegation the sponsorship of the resolution in order not to interfere with the pursuit of this major priority. However, we certainly lent our support to their initiative.

*Cleared 10/17
by C. R. R.*

Q. Well, what about the State Department, then? Do you agree with Amnesty and the Argentine groups that ¹⁰15,000 is a good estimate?

A. It is virtually impossible to offer an accurate estimate of how many people have disappeared. We think that the important thing is that thousands of human beings have disappeared from the face of the earth. This is a massive human tragedy for the missing and their families.

Our efforts are geared toward promoting a solution to this problem -- an end to new disappearances and a full accounting to their families of those who have vanished.

*Cleared 10/19
by CRuser*

Q. How many people have disappeared in Argentina since the March, 1976 military coup? What is the State Department's official estimate?

A. The Department has not made an official estimate.

Argentine human rights groups do not regard their files as complete. They point out that the subject itself -- disappearance -- involves a lack of information rather than information, and that the circumstances surrounding these events and their aftermath are, to an extent, shrouded in mystery. In addition, families sometimes fear retaliation against themselves or their missing relatives if they report the disappearance to human rights groups or to diplomatic missions. In remote areas, they may be unaware of the existence of human rights organizations. The leading Argentine human rights organization, the Permanent Assembly for Human Rights, has a carefully-documented list of approximately 6500 names. The Assembly and other Argentine and foreign human rights groups generally estimate the total number of disappeared at between ten and fifteen thousand.